

Suggested Amendments to H.R. 4620

(New material underlined; deleted material in brackets and scored through)

A BILL

To amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians.

1       Be it enacted by the Senate and House of Representatives of the  
2       United States of America in Congress assembled, That this Act may be  
3       cited as the "Federal Physicians Comparability Allowance Act of 1976".

4       Sec. 2. (a) Subchapter IV of chapter 59 of title 5, United States  
5       Code, relating to allowances, is amended by adding at the end thereof  
6       the following new section:

7       "§5948. Physicians comparability allowances

8       "(a) [~~A Government physician, in addition to pay otherwise due him,~~  
9       ~~is entitled to~~] Notwithstanding any other provision of law, and in order  
10       to recruit and retain highly qualified Government physicians, the head  
11       of an agency may pay a Government physician, in addition to pay otherwise  
12       due that physician, an allowance as authorized by this section, subject  
13       to such regulations, criteria, and conditions as the President or his  
14       designee may prescribe under this section. Such an allowance shall  
15       consist of--

16       "(1) a professional allowance--

17       "(A) at a [per-annum] rate [of] to be determined by the agency  
18       head, but not to exceed \$1,200 a year if [he] the Government  
19       physician has served as a Government physician for twenty-four  
20       months or less, or

-2-

"(B) at a [per-annum] rate [of] to be determined by  
the agency head, but not to exceed \$4,200 a year if [he] the  
Government physician has served as a Government physician for  
more than twenty-four months, plus

"(2) an allowance under any service agreement made pursuant  
to subsection (b) of this section.

"(b)(1) ~~[Notwithstanding any other provision of law, in order to~~  
~~recruit and retain highly qualified Government physicians in an Executive~~  
~~agency, the]~~ The head of [such] an agency, subject to the provisions of  
this section and such regulations [which the Civil Service Commission] as  
the President or his designee may prescribe, may enter into a service  
agreement with a Government physician which provides (A) for such physician  
to complete a specified number of years of service in such agency in  
return for (B) an allowance in an amount to be determined by the agency  
head and specified in the agreement, but not more than \$5,800 per annum,  
~~[upon execution, and]~~ for the duration of [,] such agreement.

"(2) An allowance may not be paid pursuant to this subsection  
to any physician who--

"(A) is employed on less than a half-time or intermittent  
basis,

"(B) occupies an internship or residency training position,  
[or]

"(C) is a reemployed annuitant[.], or

"(D) is fulfilling a scholarship obligation.

-3-

1 ~~may determine categories of positions applicable to physicians in such~~  
2 ~~agency as to which there is no significant recruitment and retention~~  
3 ~~problem. Physicians serving in such positions shall not be eligible for~~  
4 ~~an allowance pursuant to this subsection.~~

5 "[~~(4)~~] (3) Any agreement entered into by a physician under this sub-  
6 section shall be with respect to a period of ~~one~~ year of service in  
7 the [~~Executive~~] agency involved unless the physician requests an agreement  
8 for a longer period of service [~~not to exceed four years.~~] No agreement  
9 shall be entered into under this subsection later than September 30, 1979,  
10 nor shall any agreement cover a period of service extending past September 30,  
11 1981.

12 "[~~(5)~~] (4) Any such agreement shall provide that the physician,  
13 in the event that such physician voluntarily, ~~or~~ because of misconduct,  
14 fails to complete at least one year of service pursuant to such agreement,  
15 shall be required to refund the total amount received under this section,  
16 unless the head of such agency, pursuant to [~~the~~] such regulations as  
17 may be prescribed under this subsection by the [Civil Service Commission]  
18 President or his designee, determines that such failure is necessitated  
19 by circumstances beyond the control of the physician.

20 "[~~(6)~~] (5) Any such agreement shall specify the terms under which  
21 the head of the [~~executive~~] agency and the physician may elect to terminate  
22 such agreement.

23 "(c) The head of an agency, pursuant to such regulations, criteria,  
24 and conditions as the President or his designee may prescribe, shall  
25 determine categories of positions applicable to physicians in such agency

-4-

1 as to which there is a significant recruitment and retention problem.  
2 Only those physicians serving in such positions shall be eligible for  
3 an allowance pursuant to this section, and the amount of all such allow-  
4 ances shall be determined by the agency head, subject to such regulations,  
5 criteria, and conditions as the President or his designee may prescribe,  
6 and shall be the minimum amount necessary to deal with the recruitment  
7 and retention problem for each such category of physicians.

8 "[~~(e)~~] (d) For the purpose of this section--

9 "(1) 'Government physician' means any individual employed  
10 as a physician who is paid under--

11 "(A) section 5332 of this title, relating to the  
12 General Schedule;

13 [~~"(B) subchapter IV of chapter 14 of title 22, relating~~  
14 ~~to the Foreign Service; or~~

15 [~~"(6) pay scales or rate systems established for physicians~~  
16 ~~employed by--~~

17 [~~"(i) the Postal Service or the Postal Rate Commission;~~

18 [~~"(ii) the Canal Zone Government or the Panama Canal~~  
19 ~~Company;~~

20 [~~"(iii) the Energy Research and Development Admin-~~  
21 ~~istration; or~~

22 [~~"(iv) the Tennessee Valley Authority;]~~

23 "(B) section 5361 of this title, or similar statutory  
24 authority, relating to administratively determined pay for cer-  
25 tain specially qualified scientific or professional personnel;

-5-

1           "(C) section 831b of title 16, relating to the Tennessee  
2           Valley Authority;

3           "(D) subchapter IV of chapter 14 of title 22, relating  
4           to the Foreign Service; or

5           "(E) section 121 of title 2, Canal Zone Code, relating  
6           to the Canal Zone Government and the Panama Canal Company; and

7           "(2) '[~~executive~~] agency' [~~includes the Postal Service~~  
8           ~~and Postal Rate Commission~~] means an Executive agency, as  
9           defined in section 105 of this title, and the District of  
10           Columbia government.

11           "~~{d}~~ (e)(1) Any allowance paid under this section shall not  
12           be considered as basic pay for the purposes of subchapter VI and  
13           section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or  
14           other benefits related to basic pay.

15           "(2) Any allowance under this section for a Government physician  
16           shall be paid in the same manner and at the same time as his basic pay  
17           is paid."

18           (b) The analysis for chapter 59 of such title is amended by  
19           adding at the end thereof the following:

"5948. Physicians comparability allowances."

20           Sec. 3. (a) The amendments made by this Act shall [~~apply with~~  
21           ~~respect to pay periods beginning more than thirty~~] become effective on  
22           such date as the President or his designee may specify, but not less  
23           than sixty days after the date of the enactment of this Act.

24           (b) The amendments made by this Act are repealed, unless speci-

OLC 78 1152/2

TO		Take necessary action	<input type="checkbox"/>
		Approval or signature	<input type="checkbox"/>
		Comment	<input type="checkbox"/>
		Prepare reply	<input type="checkbox"/>
		Discuss with me	<input type="checkbox"/>
		For your information	<input type="checkbox"/>
		See remarks below	<input type="checkbox"/>
FROM		DATE	3-23-78
REMARKS			

Jim-

As we discussed, here is a copy of the Civil Service Commission's draft bill on physicians bonuses. Our preference is for CIA to be specifically included in the legislation. Since I will be out of town for the next three weeks, could you negotiate language changes with Jim Stimpson (395-3736) or Frank White (395-3910) in OMB. I understand that Rosemary Storm (254-8960) at the Commission is a good contact point should you desire clarification on certain aspects of this draft.